

## REMARKS

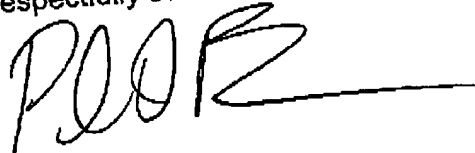
The applicant wishes to express appreciation for the Office Action and the comments set forth. With respect to claim 6 it is respectfully pointed out that the term 57# and similar terms refers to the paper weight per unit area, and is a term always used in the art to express the thickness of the paper being used or manufactured. It is a term well known in the art by skilled practitioners, and is used extensively to give the thickness or weight parameter of the stock being used. Accordingly, it is earnestly solicited that Claim 6 is definite and meets the terms of Section 112.

With respect to the rejection of the claims under Sec. 103, the comment by the Examiner regarding the fact that applicant has the duty to express patentable distinctions in terms of actual structural claim limitations, is certainly well taken. To this end it is respectfully pointed out that the main claims 1 and 6 clearly distinguish over the references cited and applied in structural terms. What is claimed in specific structural terms is a construction wherein the inside and outside of the construction is comprised of an inside and outside barrier layer composed of metallized plastic film. Also, a sandwich of a barrier layer composed of metallized plastic film bonded between third and fourth paper liners is bonded to the two flute mediums bonded, respectively, to the third and fourth paper liners. These specific claimed limitations are not shown in the references, which only show in Clough a single barrier layer and in Kupersmit, no barrier layer, only a triple reinforced wall of corrugations. Therefore, the prior art cited of record does not show or teach the necessary triple barrier layer constructions claimed and therefore could not possibly attain the preservation of cold temperatures achievable by the present invention. If applicant has a duty to distinguish the prior art by structural limitations, so does the Examiner have a duty to negate invention only on the basis of the prior art showing the claimed limitations. The cited prior art does not negate the invention and accordingly, the claims are patentable over the cited and applied art.

In light of the foregoing remarks, this application should be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time, time sufficient, to effect a timely response, and shortages in this or other fees, be charged, or any overpayment in fees be credited, to the Deposit Account of the undersigned, Account No. 500601 (Docket no. 746-A03-008)

Respectfully submitted,



Martin Fleit, Reg. #16,900  
By Paul D. Bianco, Reg. #43,500

Martin Fleit  
FLEIT KAIN GIBBONS GUTMAN & BONGINI  
21355 East Dixie Highway Suite 115  
Miami, Florida 33180  
Tel: 305-930-2600; Fax: 305-830-2605  
e-mail: MFleit@Focusonip.com